



1 ENERGY AND ENVIRONMENT CABINET

2 Department for Natural Resources

3 Division of Mine Reclamation and Enforcement

4 (Amendment)

5 805 KAR 4:050. Records.

6 RELATES TO: KRS 351.330, 331.335, 331.360

7 STATUTORY AUTHORITY: KRS [~~Chapter 13A,~~] 351.335, 351.360

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 351.330 requires the Department  
9 for Natural Resources to require blasters to keep records. This administrative regulation specifies  
10 what records are to be kept and requires blasters that do not have a permit issued pursuant to KRS  
11 Chapter 350 or an agreement with the department, to provide notice of its blasting operations to the  
12 Department for Natural Resources.

13 Section 1. Blasting Records. A record of each blast shall be kept. All records including  
14 seismograph reports shall be retained at least five (5) years and shall be available for inspection by  
15 the Department for Natural Resources and shall contain the [~~following minimum~~] data in subsections  
16 (1) through (19) of this section:

17 (1) Name of company or contractor.

18 (2) Exact location of the blast, date and time of detonation.

19 (3) Name, signature and license number of blaster in charge.

20 (4) Type of material blasted.

21 (5) Number of holes, burden and spacing.

- 1 (6) Diameter and depth of holes.
- 2 (7) Types of explosives used.
- 3 (8) Total amount of explosives used.
- 4 (9) Maximum amount of explosives per delay period of eight (8) milliseconds or greater.
- 5 (10) Method of firing and type of circuit.
- 6 (11) Direction, distance in feet, and identification of the nearest dwelling house, public
- 7 building, school, church, commercial or institutional building ~~neither~~ owned nor leased by the person
- 8 conducting the blasting.
- 9 (12) Weather conditions.
- 10 (13) Type and height or length of stemming.
- 11 (14) A statement as to whether mats or other protections against flyrock were used.
- 12 (15) Type of ~~[delay electric]~~ blasting caps used and delay periods used.
- 13 (16) The ~~[person taking the seismograph reading shall accurately indicate]~~ exact location of
- 14 the seismograph if used and ~~[shall also show]~~ the distance of the seismograph from the blast.
- 15 (17) Seismograph records, if [where] required, shall include:
- 16 (a) Name of person and firm analyzing the seismograph record; and [ ]
- 17 (b) Seismograph reading.
- 18 (18) Maximum number of holes ~~[holes]~~ per delay period of eight (8) milliseconds or greater.
- 19 (19) Sketch of blast pattern including number of holes, burden and spacing distance delay
- 20 pattern, and if decking is used, a hole profile.

21 Section 2. Notification of Blasting Operations on Construction, Demolition, and Industrial

22 Sites.

1        (1) Any person conducting blasting operations at a site that does not have a permit issued  
2        pursuant to KRS Chapter 350 or an agreement with the Department for Natural Resources, shall  
3        provide notice of its blasting operations to the Department for Natural Resources at least twenty four  
4        (24) hours prior to the commencement of blasting activities.

5        (2) The notice shall include:

6        (a) The identification of the person or company performing the blasting, including current  
7        contact information;

8        (b) The specific location of the site where blasting will occur, that may include physical  
9        address, latitudinal and longitudinal, or Global Positioning System coordinates;

10       (c) The date and time blasting operations are expected to commence; and

11       (d) The projected duration of the blasting operations.

805 KAR 4:050 approved for filing.  
Pages (1-3)

9/13/2019

Date

  
\_\_\_\_\_  
Charles G. Snavely, Secretary  
Energy and Environment Cabinet

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on November 21, 2019 at 5:00 P.M. (Eastern Time) in Training Room C of the Energy and Environment Cabinet at 300 Sower Blvd, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 30, 2019. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

**CONTACT PERSON:** Michael Mullins, Regulation Coordinator, 300 Sower Blvd, Frankfort, Kentucky 40601, phone: (502) 782-6720, fax: (502) 564-4245, email: michael.mullins@ky.gov.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation No.: 805 KAR 4:050  
Contact Person: Michael Mullins

Contact number: (502) 782-6720  
Email: michael.mullins@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation specifies which records are to be kept by individuals conducting blasting operations.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to provide blasters with information related to records retention.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 351.335 requires blasters to keep records. This administrative regulation details the records to be kept and the amount of time the records are to be kept.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 351.335 requires blasters to keep records. This administrative regulation establishes records that are to be kept by blasters, which includes seismographs.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment requires blasters to provide the department notification prior to blasting on construction, demolition, and industrial sites.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to require blasters on construction, demolition, and industrial sites to provide the department with notice prior to conducting blasting operations as is required in coal and non-coal mine blasting operations.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the authorizing statutes by requiring blasters conducting blasting operations on construction, demolition, and industrial sites to provide the department with notice prior to blasting on these sites.

(d) How the amendment will assist in the effective administration of the statutes: These amendments assist in the effective administration of the statutes by requiring blasters to give the department notice prior to blasting on construction, demolition, and industrial sites.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This provision would apply to blasters that conduct blasting operations on construction, demolition, and industrial sites.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The entities listed in question (3) above will be required to provide notice to the department at least 24 hours prior to the commencement of blasting activities.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be minimal cost associated with complying with these requirements. The department will simply setup a web-based portal where blasters can enter the required information.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The entities identified in question (3) will benefit by allowing the department to have information that could prevent individuals from falsely accusing a blaster of blasting related violations when the blaster may not have been blasting in the area when a complaint is filed.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no costs to the department associated with implementation of this amendment.

(b) On a continuing basis: There will be no costs to the department associated with implementation of this amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The funding for implementation of the amendments to this administrative regulation will be a combination of general funds and restricted funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The amendments to this administrative regulation will not require an increase in fees or funding.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish or increase any fees.

(9) TIERING: Is tiering applied? (Explain why or why not) No. All entities that blast on construction, demolition, and industrial sites are required to provide prior notice as in other blasting areas regulated by the Department.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Administrative Regulation No.: 805 KAR 4:050  
Contact Person: Michael Mullins, Reg. Coordinator

Contact number: (502) 782-6720  
Email: Michael.mullins@ky.gov

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Division of Mine Reclamation and Enforcement.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 351.335 and KRS 351.360.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This amended administrative regulation will not generate any new revenue for the state or local government.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This amended administrative regulation will not generate revenue in subsequent years.

(c) How much will it cost to administer this program for the first year? There will not be a cost increase associated with the amendments to this administrative regulation.

(d) How much will it cost to administer this program for subsequent years? Future costs would remain essentially unchanged related to this amendment.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):	There is no known effect on current revenues.
Expenditures (+/-):	There is no known effect on current expenditures.
Other Explanation:	There is no further explanation.